

MARCH 21, 2016

The regularly scheduled meeting of the Mansfield Township Land Use Board was called to order by Chairman Ali Vaezi at 7:30 PM.

1. posting a notice of this meeting on the bulletin board of the Municipal Building;
2. causing said notice to be published in The Express Times;
3. furnishing said notice to those persons requesting it pursuant to the Open Public Meetings Act; and
4. filing said notice with the Township Clerk.

Present: Vaezi, Hight, Mayor Kocher, Korczukowski, Spender, Farino, Barton, Minter, Creedon, Keggan, Cruts, Hayes.

Absent: Drazek.

Also present: William Edleston, Esquire; Drew DiSessa, P.E.

The Pledge of Allegiance was recited.

MOTION was made by **BARTON** to approve the **minutes** of the **January 18, 2016** meeting, as written.

SECONDED: CREEDON.

Those in favor: Hight, Mayor Kocher, Spender, Farino, Barton, Minter, Creedon, Keggan, Vaezi.

Opposed: None.

Abstained: None.

Case #14-07, Yusen Logistics (Americas) Inc. Resolution Discussion

Edleston explained the applicant's attorney wanted to amend the language in condition number six of the approved resolution.

Brenda Sams, from the audience and neighbor of the subject property, read an excerpt from a letter she received from Yusen Logistics regarding the maintenance issue. Edleston stated the applicant's attorney has indicated that, according to a paving schedule, the driveway paving will be done in May.

Terry Sams, from the audience and neighbor of the subject property, questioned what exactly would be covered under the word "maintenance". Edleston replied they should contact the applicant's attorney to clarify the word "maintenance".

MOTION was made by **MINTER** to approve the **replacement wording for condition number six** of the previously approved resolution for **Case #14-07, Yusen Logistics (Americas) Inc.**, as requested by the applicant's attorney.

SECONDED: VAEZI.

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Those in favor: Minter, Keggan, Hight, Farino, Vaezi.

Opposed: None.

Abstained: None.

Case #11-07, Constellation Solar New Jersey, LLC Amendment

Present for the applicant: William Gianos, Esquire; Christopher Nusser, P.E.; Jeffrey Simpson, Operation Manager

MOTION was made by **BARTON** to deem the application for **Case #11-07, Constellation Solar New Jersey, LLC complete**, and to grant the requested waivers.

SECONDED: SPENDER.

Those in favor: Farino, Barton, Minter, Creedon, Hight, Mayor Kocher, Korczukowski, Spender, Vaezi.

Opposed: None.

Abstained: None.

Entered as Exhibit A-1 – Sheet 1 of 1 – site plan dated 3/3/16

Nusser, previously being sworn and accepted as an expert witness in the area of civil engineering, explained the history behind the subject project. Nusser explained the original approval received an amendment for an alternate layout for the solar array farm. Nusser explained the applicant is now in the process of connecting to JCP&L. The original approval allowed for the line to travel underground from the site, to under Route 57, and then above ground along the Verizon lines to the JCP&L connection. The applicant was now seeking an amended approval to run the connection opposite to the approved plan. Nusser explained the original plan would cause a substantial trimming of mature trees in the area, and they were hoping to avoid that process. Nusser stated the new plan is to have the connection travel above ground over Route 57, and then travel underground through conduit to the connection. Nusser stated this solution would be much safer, and there would be no tree trimming. Nusser further explained the NJDOT dictated that the planned connection line under Route 57 was required to be above ground.

Creedon asked why the applicant didn't know the Route 57 line had to be above ground, if application had been made to the NJDOT. Nusser explained that conflicting information was received from the NJDOT, but the issue was now settled.

Nusser went through the technical comments in the Board Engineer's review report of March 18, 2016, and the applicant will comply with DiSessa's comments. DiSessa indicated the applicant should provide a letter indicating the process used to deal with the wetlands issues.

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DiSessa stated that copies of the easement agreements should also be provided to the board. Gianos replied that they would comply with the suggestions made by DiSessa.

Several questions were asked by board members seeking clarification of the conduit process, the safety of those surrounding the area, and the type of conduit being used. Nusser replied the conduit installation would comply with the construction code requirements.

Jeffrey R. Simpson, operation manager of the construction company, was sworn in by Edleston. Simpson explained the conduit installation process from the site to the JCP&L connection, which would also be fed under the railroad tracks.

The hearing was to the public for comments and questions.

Terry Sams, from the audience, mentioned that in 2004 when fire truck access was discussed, there were to be no new utility poles installed. That issue should have been addressed prior to construction. DiSessa replied there are to be no new poles installed on Domin Lane, and there are existing poles along the railroad tracks and Route 57.

Marvin Kocher, from the audience, asked if underground voltage was required to be covered with concrete. Simpson replied that concrete encased lines are generally an owner requested item, or possibly used under a highway, but it is not a code requirement.

Paul Erb, from the audience, questioned what other utilities parallel Route 57. Erb stated he has asked that question at other times over the years, but no one has been able to clarify what utilities exist in that location.

Bill Read, from the audience, stated there is no natural gas feed into the Yusen site. Read indicated they had to install their own propane source.

There were no further comments or questions from the audience.

MOTION was made by **CREEDON** to grant amended preliminary and final major site plan approval for **Case #11-07, Constellation Solar New Jersey, LLC (formerly Garden Solar, LLC)**, and found the testimony to be consistent with plans submitted, and further the approval is conditioned upon a letter being submitted indicating no permits are required regarding the flood hazard and wetlands activity, and submission of copies of any deeded easements.

SECONDED: FARINO.

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Those in favor: Barton, Minter, Creedon, Hight, Mayor Kocher, Korczukowski, Spender, Farino, Vaezi.

Opposed: None.

Abstained: None.

Case #16-01, Spender Family Trust Minor Subdivision

Edleston indicated the applicant would not be appearing at the meeting. Edleston recommended the application be deemed incomplete, and stated additional information and notice would be required.

MOTION was made by **HIGHT** to deem the application for **Case #16-01, Spender Family Trust Minor Subdivision** incomplete.

SECONDED: BARTON.

Those in favor: Minter, Creedon, Hight, Mayor Kocher, Korczukowski, Farino, Barton, Vaezi.

Opposed: None.

Abstained: Spender.

Edleston recommended the board enter into an Executive Session in order to discuss pending litigation.

WHEREAS, N.J.S. 2:4-12, Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist:

NOW, THEREFORE BE IT RESOLVED by the Land Use Board of the Township of Mansfield, County of Warren, State of New Jersey, as follows:

1. The public shall be excluded from discussion of the hereinafter specified subject matters:

The general nature of the subject matter to be discussed is as follows:

- Pending Litigation
2. It is anticipated at this time that the above matter will be made public upon completion of the session,
 3. This Resolution shall take effect immediately.

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MOTION was made by **HIGHT** to adopt the above **RESOLUTION**, and to adjourn to Executive Session at 8:28 PM.

SECONDED: FARINO.

Those in favor: Minter, Creedon, Hight, Mayor Kocher, Korczukowski, Spender, Farino, Barton, Vaezi.

Opposed: None.

Abstained: None.

The Land Use Board returned to open session at 8:56 PM.

Edleston reported the board discussed pending litigation in the Executive Session, and will file an answer to the NJ Cars, LLC; Route 57 Auto Salvage, Inc.; and Niktos Service, Inc., t/a Woodland Auto Sales, vs. Township of Mansfield Land Use Board; Township of Mansfield; John and Carol Thompson complaint.

MOTION was made by **CREEDON** to authorize Edleston to **answer the above complaint** on behalf of the Land Use Board.

SECONDED: HIGHT.

Those in favor: Creedon, Hight, Mayor Kocher, Korczukowski, Spender, Farino, Barton, Minter, Vaezi.

Opposed: None.

Abstained: None.

Under new business, Minter asked if tree plantings in new developments are between the curbs and sidewalks, or elsewhere. Vaezi replied the trees are to be behind the sidewalks, and not between the curbs and sidewalks.

Mayor Kocher asked for a status update of The Meadows at Mansfield project. Edleston replied they are doing preliminary work on Phase I.

Terry Sams, from the audience, asked if there was a target date for the first units in The Meadows at Mansfield. Edleston replied there was no specific timetable as yet. The first spec home will be on septic, and not tied into the system.

Edleston suggested the Township Engineer should be contacted to supply the Land Use Board with monthly status updates.

Paul Erb, from the audience, asked the status of the horse farm property. Mayor Kocher replied the property is owned by Donaldson's, and it will remain preserved farmland.

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Cruts asked when the Port Murray Road bridge will close for repair. Mayor Kocher indicated the bridge will close on or about March 28, 2016.

Carol Thompson, from the audience, asked if the Zoning Official will be enforcing the resolution adopted by the board regarding the junk yard property. Edleston replied that he has been told to enforce the resolution.

MOTION was made by **VAEZI** to authorize the Township Committee to pay the **invoices** submitted by the professionals.

SECONDED: BARTON.

Those in favor: Hight, Mayor Kocher, Korczukowski, Spender, Farino, Barton, Minter, Creedon, Vaezi.

Opposed: None.

Abstained: None.

The Chairman adjourned the meeting at 9:11 PM.

Respectfully submitted,

Patricia D. Zotti, Clerk
(As Written)